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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,798	08/03/2001	Yuichi Kageyama	450100-03405	7393

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WILLAM S.FROMMER, Esq  
FROMMER LAWRENCE & HAUG LLP  
745 Fifth avenue  
New York, NY 10151

EXAMINER
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VIDWAN, JASJIT S

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,798

Applicant(s)

KAGEYAMA, YUICHI

Examiner

Jasjit S. Vidwan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Remarks*

Examiner takes notice of Application No. 09/921,963 filed by the Applicant on 08/03/2001 claims an invention similar to the current application. It is noted that application 09/921,963 is currently abandoned due to failure to respond in a timely fashion. However, if the prosecution for the said application were reopened in the near future, a possible obviousness double patenting would be issued.

### *Drawings*

1. Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally **limited to a single paragraph on a separate sheet** within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject

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matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 6, 8, 9, 10, 13, 15, 16, 17, 20, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art **[AAPA, Fig 1-3 & Background of the Invention]**, and further in view of Barrett U.S. Patent No: 5,852,746 **[herein after Barrett]**.

4. **As per claims 1, 8, 15 and 21**, AAPA teaches a communications system/method in a network capable of allowing a plurality of communications devices to perform mutual data communications, the method comprising:

(a) Step of sending a first command from first communications device to a second communications device in the network, thereby giving instruction for notifying to the first communications device on a predefined status change performed under control of the second communications device **[See Background of Invention, Page 4, Lines 18-20]**.

(b) Step of transmitting from the second communications device to the first communications device a notice to the sender of the command **[See Background of Invention, Page 4, Lines 21-25]**.

(c) Step of notifying from the second communications device to the first communications device on the predefined status change **[Page 5, Lines 18-23]**.

AAPA fails to teach a system/method wherein the status change is only registered if it occurs during a predetermined time period and no action is taken if the status change occurs after the predetermined time period. However, Barrett teaches the limitation of a method wherein, status change is only registered if it occurs within a predetermined time period **[see Barrett, Col. 10 Line 66 – Col. 11 Lines 3]**. Barrett further teaches a method wherein there exists a step of not taking any action if the predefined status change takes place after the predetermined time period **[see Barrett, Col. 10 Lines 61-65]**.

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One of ordinary skill in the art at the time of applicant's invention would have clearly recognized the advantage of combining the teachings of AAPA with that of Barrett in order to prevent inadvertent signaling of a system administrator [**Col. 10, Lines 53-59**]. It is for this reason that one of ordinary skill in the art at the time of applicant's invention would have been motivated to combine the two teachings to prevent inadvertent signaling of a system administrator [**col. 10, Lines 53-59**].

5. **As per claim 2, 9 and 16**, teachings of AAPA as modified by Barrett above teach a method comprising a step of transmitting from the second communication device to the first communications device, information about the predetermined time period as a response, upon reception of the first command [**See AAPA - Page 4, Lines 21-25**].

6. **As per claims 3, 10 and 17**, teachings of AAPA as modified by Barrett above teach a method of controlling communications further comprising a step of transmitting from the second communications device to a third of the communications devices upon reception from the third communications device of a second command including instruction for notifying on the predefined status change [**See AAPA – Page 5, Lines 4-9**] and if the second communications device is unable to notify to the third communications device on the predefined status change [**See AAPA – Page 5, Lines 13-17**].

7. **As per claims 6, 13 and 20**, teachings of AAPA as modified by Barrett above teach a method of controlling communications wherein the predefined status change is a status change in use of a bandwidth or a channel controlled by the second communications device [**See AAOA – Page 2, Lines 13-18**].

8. Claims 4, 5, 7, 11, 12, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art [**AAPA, Fig 1-3 & Background of the Invention**], Barrett U.S. Patent No: 5,852,746 [**herein after Barrett**] and further in view of Fuente et al, U.S. Patent no: 6,484,217 [**herein after Fuente**].

9. **As per claims 4, 11, 18**, teachings of AAPA as modified by Barrett teach the limitations of Claims 1, 8 and 15. AAPA modified by Barrett fail to teach a method of notifying from the

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second communication device to the first communication device that a timeout has reached upon elapse of the predetermined time period measured from the time of reception of the first command. However, Fuente teaches this limitation of providing indication to the first communication device that a timeout has been reached **[see Fuente, Col. 2, Lines 10-19]**.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it would be quite advantageous to add the teachings of AAPA as modified by Barrett with that of Fuente in order to provide status updates to a user on the non-responsive of a system. It is for this reason that one of ordinary skill in the art at the time of applicant's invention would have been motivated to combine Fuente's teachings in order to provide status updates to a user on the non-responsive of a system.

10. **As per claims 5, 12, 19**, teachings of AAPA as modified by Barrett teach the limitations of Claims 4, 11 and 18. AAPA modified by Barrett fail to teach a method of notifying from the second communication device to the first communication device that a timeout has reached before the elapse of the predetermined time period measured from the time of reception of the first command, if the second communications device becomes unable to notify on the predefined status change. However, Fuente teaches this limitation of providing indication to the first communication device that a timeout has been reached before the elapse of the predetermined time period measured from the time of reception of the first command, if the second communications device becomes unable to notify on the predefined status change **[See Fuente, Col. 2, Lines 10-19]**.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it would be quite advantageous to add the teachings of AAPA as modified by Barrett with that of Fuente in order to provide status updates to a user on the non-responsive of a system. It is for this reason that one of ordinary skill in the art at the time of applicant's invention would have been motivated to combine Fuente's teachings in order to provide status updates to a user on the non-responsive of a system.

11. **As per claims 7 and 14**, teachings of AAPA as modified by Barrett tech the limitations of claims 1 and 8. AAPA modified by Barrett fail to teach a method of controlling communications

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wherein the first communications device sends to the second communications device a command that extends the predetermined time period, before or after the elapse of the predetermined time. However, Fuente teaches this limitation of extending the timeout prior to its expiration [see **Fuente, Col. 2, Lines 46-51**].

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it would be quite advantageous to add the teachings of AAPA as modified by Barrett with that of Fuente in order to provide assurance that the device does not make an erroneous assumption that the non-responsiveness is due to the second device malfunctioning instead of its true status where it is simply busy processing another request [**Col. 1, Lines 50-56**]. It is for this reason that one of ordinary skill in the art at the time of applicant's invention would have been motivated to combine the Fuente's teachings in order to have assurance that the second device is simply processing another request instead of a false assumption that the second device has malfunctioned [**Col. 1, Lines 50-56**].

### ***Relevant Prior Art***

Kawakami et al (Patent No: 5,535,208) teaches a method of communications between two nodes transferring data over a bus channel, wherein Node B communicates with the bus manager to obtain access to the bus. Upon the said request, Node A has an option of either granting access to Node B or rejecting the request.

U.S. Patent references Tanaka et al. (U.S. Patent 6,150,953), Malhotra, Pankaj (6,388,989), Barton et al. (5,760,704) and Suga et al. (6,374,334) teach a similar method of communications between two controllers wherein one requests a notification upon a status change of the second controller.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasjit S. Vidwan whose telephone number is (571) 272-7936. The examiner can normally be reached on 8am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM HUYNH can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

3/27/206  
JSV



**KIM HUYNH**  
**SUPERVISORY PATENT EXAMINER**

3/27/06